

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: FEBRUARY 10, 2004

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5: LAFCO SC#217 – Irrevocable Agreement to Annex No. 2003-02 for Sewer Service, City of San Bernardino (Porter/California Street)

SUBMITTED BY:

City Council Resolution, City of San Bernardino

RECOMMENDATION:

1. Determine that SC#217 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five days;
2. Approve SC#217 authorizing the City of San Bernardino to extend sewer service outside its boundaries to the proposed single-family residential unit to be constructed on APN #0268-291-16 located at the southwest corner of California and Porter Streets; and,
3. Adopt LAFCO Resolution #2806 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

BACKGROUND:

The City of San Bernardino has submitted an application for authorization to provide sewer service outside its corporate boundaries as permitted by Government Code Section 56133. The City has submitted this proposal in response to an application for sewer service from the owner of a single lot identified as Assessor Parcel No. 0268-291-16, which is 0.28 acres in size,

located at the southwestern corner of California and Porter Streets in the community of Muscoy.

The County of San Bernardino Land Use Services Department, Building and Safety Division, is currently processing the plans for the development of a single-family residence on this lot. The Conditions of Approval placed upon this project include the requirement for connection to the City of San Bernardino sewer system. At the present time, the City's sewer lines are located fronting the parcel within both California and Porter Streets (Attachment 1 includes a Location Map identifying this area). The application indicates that connection is proposed to the 15-inch sewer main within California Street. The proposed contract will allow the anticipated residential unit to connect to this existing infrastructure.

On January 6, 2004, the City Council adopted Resolution No. 2004-4 making application to LAFCO for approval to provide City sewer service outside its boundaries and specifying its conditions upon receipt of such service delivery. The property owners have indicated their acceptance of these terms through their signing of the irrevocable agreement to annex.

Pursuant to Commission policy, applications for service contracts require the inclusion of information regarding all financial obligations for the extension of these services. The application indicates that the property owners will be required to pay \$1,000 as an application fee (payment provided in October 2003) and \$3,500 sewer capacity fee (paid October 20, 2003) and \$1,331.55 sewer connection fee and permit fee (to be paid prior to connection).

Authorization of this agreement by the Commission is required before the City of San Bernardino can take the final actions to implement the agreement. In order for this development project to proceed, the property owners must show proof of their ability to connect to the City of San Bernardino's sewer infrastructure, which will be the Commission's authorization for the agreement with the City Council.

The staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. That review has determined that the area is within the northwestern sphere of influence assigned the City of San Bernardino, which includes the whole of the Muscoy community, and it is anticipated to become a part of that City sometime in the future (findings required to be made by Government Code Section 56133 (b)). It has been noted that the parcel proposed for service is contiguous to existing City boundaries on its northern and eastern edges. Staff reviewed the question

of annexation with City staff since such contiguity would allow for the processing of an annexation application. The City has responded that they do not wish to pursue annexation of a single parcel within the Muscoy community due to the community's opposition to annexation. The City has not developed any plans to address the annexation of this specific community and does not foresee any in the near future. However, the City has indicated its willingness to work with the community toward annexation as a whole, and approval of the proposed contract would allow for the development of the residence in the interim.

The staff supports the City's request to provide sewer service by contract to the proposed residential unit since its facilities are adjacent to the site, and there is no other existing entity available to provide the requested service within the area.

FINDINGS:

1. The area is within the sphere of influence assigned the City of San Bernardino. The parcel will receive its water service from a private water company (Muscoy Mutual Water Company). Wastewater disposal will be provided by the City of San Bernardino through approval of the contract. The area is anticipated to become a part of the City of San Bernardino sometime in the future.
2. The development of the proposed single-family residential unit has been reviewed by the County Land Use Services Department, Building and Safety Division. The Irrevocable Agreement to Annex, allowing for extension of service by the City of San Bernardino, was signed by the property owners on December 3, 2003, approved by the City Council on January 6, 2004, and signed by the Mayor on the same date.
3. The service contract being considered is for the provision of sewer service to a single-family residential dwelling unit by the City of San Bernardino. This contract will remain in force in perpetuity until such time as the area is annexed. The approval of this application will allow the property owners and City of San Bernardino to proceed to finalize the contract for the extension of sewer service so that building plans for the site can be finalized with the County.
4. The fees charged this project by the City of San Bernardino are identified as totaling \$5,831.55 (\$1,000 as an application fee, \$3,500 sewer

capacity fee and \$1,331.55 sewer connection/permit fee). Payment of these fees is required prior to connection to the City's sewer facilities.

5. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of San Bernardino and recommended that this application is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #3 to this report.

KRM:

Attachments:

1. Maps showing relationship of parcel to be served and City boundaries
2. City resolution initiating application, application, and contract
3. Tom Dodson and Associates environmental response
4. Draft Resolution #2806